

Patent
Attorney Docket No. 016800-630

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Karl BOUTELET et al.

Application No.: 10/617,092

Filing Date: July 11, 2003

Title: PHOTOPROTECTIVE/COSMETIC COMPOSITIONS COMPRISING SULFONIC/HYDROPHOBIC AMPHIPHILIC POLYMERS

Group Art Unit: 1616

Examiner: SHELLEY A DODSON

Confirmation No.: 1950

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above.

The requisite fee is ☐ \$65.00 (2814) ☒ \$130.00 (1814) .

☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.

☒ A check in the amount of \$ 130.00 is enclosed for the fee due.

☐ Charge _____ to credit card. Form PTO-2038 is attached.

This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

Date: October 11, 2005

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Docket Number (Optional)
016800-630

In re Patent Application of: Karl BOUTELET et al.

Application No. 10/617,092

Filed: July 11, 2003

For: PHOTOPROTECTIVE/COSMETIC COMPOSITIONS COMPRISING
SULFONIC/HYDROPHOBIC AMPHIPHILIC POLYMERS

The owner, L'Oréal S.A., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as presently shortened by any terminal disclaimer, of prior Patent No. 6,902,722. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: Expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Mary Katherine Baumeister
Signature

October 11, 2005
Date

10/12/2005 JADD01 00000006 10617092

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130.00 OP

Mary Katherine Baumeister

Typed or printed name

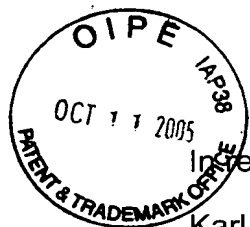
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Telephone Number

- ☒ Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.



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For: PHOTOPROTECTIVE/COSMETIC
COMPOSITIONS COMPRISING
SULFONIC/HYDROPHOBIC
AMPHIPHILIC POLYMERS

) **MAIL STOP AMENDMENT**

)
) Group Art Unit: 1616

)
) Examiner: SHELLEY A DODSON

)
) Confirmation No.: 1950

COMMENTS ACCOMPANYING FILING OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is applicants' understanding that the accompanying terminal disclaimer with respect to Candau et al. U. S. Patent No. 6,902,722 is needed to obviate an obviousness-type double patenting rejection which would otherwise be made herein and that this is the only outstanding matter.

This terminal disclaimer is being filed solely to expedite prosecution of the present application and to once again place this application in allowable form. The filing of this disclaimer should not be construed as acquiescence in an obviousness-type double patenting rejection based on the Candau et al. patent, which applicants in fact do not believe to be justified.

In view of the filing of this terminal disclaimer, it is believed that a Notice of Allowance is next in order. Such further, favorable action is earnestly solicited.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: October 11, 2005

By: Mary Katherine Baumeister
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Registration No. 26,254

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